

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1. KASSEY RENEE MEEHAN,

Plaintiff,

v.

2. OFFICER DRAKE GREEN, of the
OKLAHOMA HIGHWAY
PATROL, in his individual
capacity,

Defendants

Case No. CIV-21-96-HE

COMPLAINT

COMES NOW the Plaintiff, Kassey Renee Meehan, and for her causes of action herein alleges and states as follows:

PARTIES, JURISDICTION AND VENUE

1. The Plaintiff is Kessey Renee Meehan, an adult resident of Kiowa County in the State of Oklahoma.

2. Defendant Officer Drake Green, in his individual capacity, is an employee of the Oklahoma Highway Patrol and at all times pertinent was acting under the color of state law. The Defendant also resides and is domiciled in the State of Oklahoma.

3. This is a cause of action for a violation of Plaintiff's constitutional rights pursuant to the Fourth and Fourteenth Amendments to the United States Constitution. Plaintiff's right to be free from the use of excessive force was taken by government actors and is actionable under 42 U.S.C. § 1983. Jurisdiction over such claims is vested pursuant

to 28 U.S.C. § 1331 and 42 U.S.C. § 1983. Plaintiff's corresponding state law claims arise out of the same core facts and jurisdiction over them is vested in this Court under 28 U.S.C. § 1367.

4. Defendant is located in the Western District of Oklahoma, specifically upon information and belief within Comanche County, and, all acts related to this matter occurred in the Western District of Oklahoma, therefore, venue is proper in this Court under 28 U.S.C. § 1391(B).

STATEMENT OF FACTS

5. On or about February 15, 2019, Kassey Meehan was operating her vehicle on Lee Boulevard in Lawton, Oklahoma.

6. On the same date, Officer Green of the Oklahoma Highway Patrol pulled over the Plaintiff for alleged traffic violations.

7. During the stop, Trooper Green tackled the Plaintiff and executed multiple hammer strikes in order to detain Plaintiff from reaching for her cell phone. These hammer strikes were excessive and unreasonable based upon the situation and totality of the facts known to the officer at the time. Plaintiff posed no physical threat to Trooper Green at the time that performed these strikes and take-down.

8. Trooper Green's excessive strikes ultimately knocked Plaintiff unconscious and caused injuries to Plaintiff due to the excessive force and nature of the strikes.

9. Upon regaining consciousness, Trooper Green, who was straddling on top of

Plaintiff, delayed handcuffing Plaintiff while she was unconscious. Upon Plaintiff regaining consciousness, Green began to execute a second series of multiple hammer strikes to Plaintiff while she was under his control and posed no threat to him due to the discrepancy between their physical sizes and positioning.

10. During the second set of strikes, Trooper Green threw additional hammer strikes and multiple elbow strikes to Plaintiff's head and face repeatedly, causing head injuries, lacerations and multiple contusions.

11. Trooper Green, at all times, was acting under the color of state law.

COUNT I

For her first cause of action, Plaintiff alleges as follows:

12. Plaintiff adopts and incorporates the allegations contained in paragraphs 1 through 11 herein.

13. The actions described above constitute a violation of Plaintiff's right to be protected from the use of excessive force under the Fourth and Fourteenth Amendments to the United States Constitution, and this claim is brought against Defendant Green in his individual capacity, pursuant to 42 U.S.C. § 1983.

14. As damages, Plaintiff has suffered severe physical, mental and emotional injury in an amount to be determine by the jury.

15. Such actions by the Defendant were willful or deliberately indifferent, and as such Plaintiff is entitled to punitive damages which should be assessed against the

Defendant.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court enter judgment granting the following relief as against the Defendant herein:

34. Damages in excess of Seventy-five Thousand Dollars (\$75,000.00) against the Defendant in an amount sufficient Ms. Meehan for:

- A. The conscious pain, suffering and mental anguish suffered by Kassey Meehan;
- B. Medical bills incurred;
- C. Violation of Constitutional rights;
- D. Punitive damages as determined by a jury;
- E. Reasonable attorney fees, expert fees and costs allowable under 42 U.S. C. § 1988;
- F. Any other relief as this court deems just and proper.
- G. Plaintiff requests a jury trial.

Respectfully submitted,
WALSH & FRANSEEN

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